

Bivens action Complaint Form

PRISONER CIVIL RIGHTS ACT COMPLAINT FORM

~~42 U.S.C. § 1983~~

28 U.S.C. Section 1331 and 1343 (a)(3)

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Joseph Howard DAVIS

(Enter above full name of Plaintiff/only
One plaintiff permitted per complaint.)

Joseph BARINGER

Dwane BARNES

Jeff JENKINS

(Enter above full name of defendant or defendants.)

Case No. 5:18cv16

RECEIVED
CHARLOTTE, NC

JAN 22 2018

Clerk, US District Court
Western District of NC

RECEIVED
STATESVILLE, NC

JAN 25 2018

Clerk, U. S. Dist. Court
W. Dist. of N. C.

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (X)
- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit describe the additional lawsuits on an additional sheet of paper, using the same outline.
1. Parties to previous lawsuits:
Plaintiffs:

Defendants:

 2. Court (if federal court, name the district; if state court, name the county): _____
 3. Docket number: _____
 4. Name of presiding judge: _____
 5. Disposition (for example, was the dismissed? Appealed? Is it still pending?):

 6. Approximate date of case filing: _____

II. PREVIOUS IN FORMA PAUPERIS LAWSUITS

- A. While incarcerated or detained in any facility, have you filed a lawsuit in any federal court in which you were allowed to proceed in forma pauperis (without prepayment of fees)?

Yes () No (X)

1. Name the court and docket number for each:

- B. Were any of these cases dismissed under 28 U.S.C. §1915(d) on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted?

Yes () No (X)

1. If yes, how many?

2. Name the court and docket number for each action:

III. EXHAUSTION OF INMATE ADMINISTRATIVE REMEDIES

- A. Did you present the facts of each claim relating to your complaint to the Inmate Grievance Commission or any other available administrative remedy procedure?

Yes (X) No ()

- B. If your answer is Yes:

1. When did you file your grievance?

July 2017

2. What was your grievance?

U.S. Dept. of Justice ? internal affairs for misconduct
also i have contacted H.S.I ICE

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes () No (X)

If yes, when was the decision and what was the result?

no one ever contacted me in this matter.
I believe bringing this matter to the Att. of
the Courts would force an Action.

- C. If your answer to A is no, identify the claim(s) and explain why not:

The three officers listed in this Complaint with
held relevant information in a federal federal
drug case. (Brady information) and also Comitted
perjury in Violation of 18 U.S.C. 1001 & 28
U.S.C 1746(c) by falsifying information. emp (Beecham)

IV. PARTIES

A. Plaintiff's Name:

Joseph Howard Davis
Address/Place of Confinement: 2351 Morganton Blvd S.W, Lenoir NC
28645 (Caldwell County Jail)

B. Defendant(s)

Name of Defendant 1: Joseph Baringer
Position: Special agent Department of Homeland Security
Place of Employment: Hickory Police department Hickory N.C
Current Address: _____

Additional Defendant(s) provide name, position, place of employment, and current address for each.

Defendant 2: Jeff Jenkins
detective with Hickory Police department Homeland Security
Hickory Police department, Hickory N.C

Defendant 3: Duane Barnes
detective for State Bureau of Investigation
Alexander County Sheriff's office, Alexander N.C

Defendant 4: _____

(Continue on separate sheet if necessary.)

V. STATEMENT OF CLAIM

State here as briefly as possible the FACTS in your case. Do this by describing how each defendant named in Section IV B. above is personally involved in depriving you of your rights. All relevant times, dates, and places should be included. YOU MAY, BUT NEED NOT, GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. You may only combine claims involving events that relate to all defendants. Number and set forth each separate claim in a separate paragraph. Unrelated claims involving separate events must be set out in a separate complaint. (Attach additional sheets if necessary.)

1- Defendant(s) Joseph Baringer, Jeff Jenkins and Duane Barnes conspired together to commit Constitutional violations against the plaintiff Joseph Howard Davis and in return caused a miscarriage of justice. The (3) defendants took the stand in a federal district court in the Western District of North Carolina Statesville division on July 24 and July 25, 2017 and made statements against the plaintiff that was not consistent with the investigation reports. See Atch-1

VI. REQUESTED RELIEF

STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. YOU NEED NOT MAKE ANY LEGAL ARGUMENTS, OR CITE ANY CASES OR STATUTES.

I ask that the Courts allow a jury trial as so the plaintiff can seek compensatory damages against Joseph Baringer, Duane Barnes and Jeff Jenkins in the amount of \$94,000⁰⁰ for time of employment lost wages plus \$200⁰⁰ a day every day this matter is pending in Court, and I ask the (3) defendants be responsible for all Court Cost involved in this matter.

I am also seeking punitive damages from Jeff Jenkins in the amount of \$70,000⁰⁰ to be split between the children of the plaintiff, Chandler Gauge Davis and Paisleigh Ann Davis, to be released on their 18th Birthday for the time they was removed from their home because of this matter.

Lined area for text entry.

Date: 1-9-2018

Signature: Joseph Howard Davis

Prison ID #: 165866